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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,827	01/04/2001	Enrique Posner	878-007	3489

7590 02/08/2005

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EXAMINER

HAMILTON, LALITA M

ART UNIT PAPER NUMBER

3624

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,827

Applicant(s)

POSNER, ENRIQUE

Examiner

Lalita M Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the citizenship of each inventor.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 100 and 123. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "110" and "112" have both been used to designate vendor team builder module in the specification. Corrected drawing sheets in

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compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

In the title, there is a spacing issue between "an" and "RFP".

On page 2, first paragraph, "serail" should be "serial".

On page 2, last line, "can not" should be "cannot".

On page 3, first paragraph, "can not" should be "cannot".

On page 4, second paragraph, there should be a comma between "payment terms" and "etc.".

On page 9, last line, there is a spacing issue between "response" and "fig.".

On page 11, first paragraph, "wok" should be "work", and there should be a period instead of a comma after "present invention". There is a spacing issue between "invention" and "All".

On page 12, second paragraph, between "response" and "the", the word "to" should be inserted.

Appropriate correction is required.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 12-15 been renumbered 11-14.

Renumbered claims 11-14 (original claims 12-15) are objected to because of the following informalities: Claim 11 is missing, and the claims depend from claim 11.

Appropriate correction is required.

Claims 1-14 are objected to because of the following informalities:

In claim 1, in the preamble, the type of on-line system is unclear. The Applicant should specify whether the on-line system is utilized through a computer network. The phrase "created by said a user" is unclear. The Applicant may want to delete the term "a" to make the phrase clear. After "terminal", the semicolon should be deleted and a period inserted.

In claim 4, the phrase "processor further comprises a user interface module and to the Internet configured to provide" is unclear. The Applicant should specify more clearly what exactly is being claimed.

In claim 6, "claim1" should be "claim 1".

In claim 10, in the preamble, it is unclear what type of method the Applicant is attempting to claim. The Applicant should specify what type of method and whether the method is utilized on a computer network. There is a spacing issue between "a vendor".

In renumbered claim 12, "request for proposal" should be "request-for-proposal".

In renumbered claim 13, "where in" should be "wherein", and "100" should be deleted. There should be a period after "system".

In renumbered claim 14, "where in" should be "wherein".

Appropriate correction is required.

The remaining claims are objected to for their dependency upon objected claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected for the following reasons:

In claim 1, "Internet" lacks antecedent basis.

In claim 3, "functions" and "managing of stored data" lack antecedent basis.

In claim 4, "Internet", "vendor", and "buyer" lack antecedent basis.

In claim 6, "buyer" and "vendor" lack antecedent basis.

In claims 7 and 9, "proposal team" lacks antecedent basis.

In claim 8, "appropriate team leader or manager" and "proposal team" lack antecedent basis.

In claim 10, "Internet" and "vendor" lack antecedent basis.

In renumbered claims 11 and 13, "vendor" lacks antecedent basis.

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In renumbered claim 12, "vendor", "buyer", and "on-line system" lack antecedent basis.

Appropriate correction is required.

The remaining claims are rejected for their dependency upon rejected claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Vashistha (US 2001/0051913).

Vashistha discloses a method and corresponding system for outsourcing projects and services comprising a vendor terminal (p.3, 31); a buyer terminal (p.3, 31); a processor coupled to said vendor terminal and said buyer terminal via the Internet, said processor comprising a template module configured to provide a proposal template to a user of said vendor terminal for creating a proposal in response to a request-for-proposal created by said a user of said buyer terminal (p.2, 11; p.3, 31 and 35; p.3-4, 37; p.4, 38-39; p.9, 83; and p.11, 97-98); processor further comprises a vendor team builder module configured to provide a vendor with a means to organize, create and manage a proposal team (p.2, 11; p.3, 31 and 35; p.3-4, 37; p.4, 38-39; p.9, 83; and

p.11, 97-98); processor further comprises a system controller module configured to regulate the functions of said processor, including the managing of stored data on said system (p.10, 95-96); processor further comprises a user interface module and to the Internet configured to provide said vendor and said buyer with a method to communicate with said system and with each other (p.2, 11; p.3, 31 and 35; p.3-4, 37; p.4, 38-39; p.9, 83; and p.11, 97-98); processor further comprises a proposal analysis module of said system configured to provide a vendor proposal table to facilitate said buyer's decision as to which proposal to accept (p.4, 41); processor further comprises a broadcast module of said system configured to broadcast said request-for-proposals created by said buyer to said vendors (p.4, 39—modes of communication); proposal template is configured to automatically save any work performed on said proposal when any member of said proposal team logs off of said proposal template (p.10-11, 97-98); proposal template is configured to automatically report any work performed on said proposal stored on said proposal template to the appropriate team leader or manager of said proposal team (p.4, 42 and p.11, 98); proposal template is configured to provide a security access means, to ensure that only authorized members of said proposal team operate on said proposal (p.10-11, 97); at a vendor terminal, receiving a request-for-proposal from a buyer terminal via a processor which is coupled to said vendor terminal and said buyer terminal via the Internet, said vendor creating a proposal team on a vendor team builder module of said processor, and said vendor creating a proposal in response to said request-for-proposal, wherein said proposal is created on a proposal template maintained by a template manager module of said processor (p.2, 11; p.3, 31

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and 35; p.3-4, 37; p.4, 38-39; p.9, 83; and p.11, 97-98); the step of said vendor reviewing said proposal on said proposal template (p.4, 38-39); the step of said vendor sending said proposal to said buyer that issued said request for proposal via said online system (p.4, 38-39); vendor communicates internally between members of said proposal team via on-line system (p.4, 38-39); and creating of said proposal includes the steps of creation of the proposal at a team member level, review of team member work by a team leader, review of a completed proposal by a project manager and review and submission of a finalized proposal by a marketing lead (p.2, 11; p.3, 31 and 35; p.3-4, 37; p.4, 38-39; p.9, 83; and p.11, 97-98—It is inherent that these steps may be carried out on any consulting project to ensure successful completion and implementation.)

Provisional Application Listed on PTO-892 form

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the

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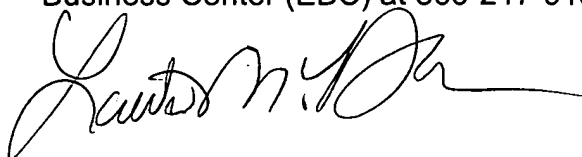
provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lalita M. Hamilton', with a long horizontal flourish extending to the right.

LMH